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PLAZA HOME MORTGAGE, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

ENEIDA AMPARAN, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

PLAZA HOME MORTGAGE, INC. and  
DOES 1 through 10 inclusive,

Defendants.

Case No.: C 07 04498 PVT

**ANSWER OF DEFENDANT PLAZA HOME  
MORTGAGE, INC. TO FIRST AMENDED  
CLASS ACTION COMPLAINT**

**(Demand for Jury Trial)**

Comes now Defendant PLAZA HOME MORTGAGE, INC, (“Defendant”) in the above-entitled  
action and answering and countering the complaint of Plaintiff ENEIDA AMPARAN (“Plaintiff”) admits,  
denies, and alleges as follows:

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I.

**ADMISSIONS AND DENIALS**

**INTRODUCTION**

1. Answering paragraph 1 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

**THE PARTIES**

2. Answering paragraph 2 of Plaintiff's complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of all the allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

3. Answering paragraph 3 of Plaintiff's complaint, Defendant admits it is a California corporation licensed to do business and doing business in California. Defendant further admits it transacts business in Santa Clara County, California. Except as so admitted, Defendant denies each and every allegation contained in said paragraph.

4. Answering paragraph 4 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

5. Answering paragraph 5 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

6. Answering paragraph 6 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

7. Answering paragraph 7 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

8. Answering paragraph 8 of Plaintiff's complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of all the allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

9. Answering paragraph 9 of Plaintiff's complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of all the allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

1           10.     Answering paragraph 10 of Plaintiff's complaint, Defendant is without sufficient  
2 knowledge or information to form a belief as to the truth of all the allegations contained in said paragraph,  
3 and on that basis denies each and every allegation contained therein.

4           11.     Answering paragraph 11 of Plaintiff's complaint, Defendant denies each and every  
5 allegation contained in said paragraph.

6                                   **JURISDICTION AND VENUE**

7           12.     Answering paragraph 12 of Plaintiff's complaint, Defendant is without sufficient  
8 knowledge or information to form a belief as to the truth of all the allegations contained in said paragraph,  
9 and on that basis denies each and every allegation contained therein.

10          13.     Answering paragraph 13 of Plaintiff's complaint, Defendant is without sufficient  
11 knowledge or information to form a belief as to the truth of all the allegations contained in said paragraph,  
12 and on that basis denies each and every allegation contained therein.

13          14.     Answering paragraph 14 of Plaintiff's complaint, Defendant is without sufficient  
14 knowledge or information to form a belief as to the truth of all the allegations contained in said paragraph,  
15 and on that basis denies each and every allegation contained therein.

16                                   **FACTS COMMON TO ALL CAUSES OF ACTION**

17          15.     Answering paragraph 15 of Plaintiff's complaint, Defendant denies each and every  
18 allegation contained in said paragraph.

19          16.     Answering paragraph 16 of Plaintiff's complaint, Defendant denies each and every  
20 allegation contained in said paragraph.

21          17.     Answering paragraph 17 of Plaintiff's complaint, Defendant denies each and every  
22 allegation contained in said paragraph.

23          18.     Answering paragraph 18 of Plaintiff's complaint, Defendant denies each and every  
24 allegation contained in said paragraph.

25          19.     Answering paragraph 19 of Plaintiff's complaint, Defendant denies each and every  
26 allegation contained in said paragraph.

27          20.     Answering paragraph 20 of Plaintiff's complaint, Defendant denies each and every  
28 allegation contained in said paragraph.

1           21.     Answering paragraph 21 of Plaintiff's complaint, Defendant denies each and every  
2 allegation contained in said paragraph.

3           22.     Answering paragraph 22 of Plaintiff's complaint, Defendant denies each and every  
4 allegation contained in said paragraph.

5           23.     Answering paragraph 23 of Plaintiff's complaint, Defendant denies each and every  
6 allegation contained in said paragraph.

7           24.     Answering paragraph 24 of Plaintiff's complaint, Defendant denies each and every  
8 allegation contained in said paragraph.

9           25.     Answering paragraph 25 of Plaintiff's complaint, Defendant denies each and every  
10 allegation contained in said paragraph.

11          26.     Answering paragraph 26 of Plaintiff's complaint, Defendant denies each and every  
12 allegation contained in said paragraph.

13          27.     Answering paragraph 27 of Plaintiff's complaint, Defendant denies each and every  
14 allegation contained in said paragraph.

15          28.     Answering paragraph 28 of Plaintiff's complaint, Defendant denies each and every  
16 allegation contained in said paragraph.

17          29.     Answering paragraph 29 of Plaintiff's complaint, Defendant denies each and every  
18 allegation contained in said paragraph.

19          30.     Answering paragraph 30 of Plaintiff's complaint, Defendant denies each and every  
20 allegation contained in said paragraph.

21          31.     Answering paragraph 31 of Plaintiff's complaint, Defendant denies each and every  
22 allegation contained in said paragraph.

23          32.     Answering paragraph 32 of Plaintiff's complaint, Defendant denies each and every  
24 allegation contained in said paragraph.

25          33.     Answering paragraph 33 of Plaintiff's complaint, Defendant denies each and every  
26 allegation contained in said paragraph.

27          34.     Answering paragraph 34 of Plaintiff's complaint, Defendant denies each and every  
28 allegation contained in said paragraph.

1           35.     Answering paragraph 35 of Plaintiff's complaint, Defendant denies each and every  
2 allegation contained in said paragraph.

3           36.     Answering paragraph 36 of Plaintiff's complaint, Defendant denies each and every  
4 allegation contained in said paragraph.

5           37.     Answering paragraph 37 of Plaintiff's complaint, Defendant denies each and every  
6 allegation contained in said paragraph.

7           38.     Answering paragraph 38 of Plaintiff's complaint, Defendant denies each and every  
8 allegation contained in said paragraph.

9           39.     Answering paragraph 39 of Plaintiff's complaint, Defendant denies each and every  
10 allegation contained in said paragraph.

11          40.     Answering paragraph 40 of Plaintiff's complaint, Defendant denies each and every  
12 allegation contained in said paragraph.

13          41.     Answering paragraph 41 of Plaintiff's complaint, Defendant denies each and every  
14 allegation contained in said paragraph.

15          42.     Answering paragraph 42 of Plaintiff's complaint, Defendant denies each and every  
16 allegation contained in said paragraph.

17          43.     Answering paragraph 43 of Plaintiff's complaint, Defendant denies each and every  
18 allegation contained in said paragraph.

19          44.     Answering paragraph 44 of Plaintiff's complaint, Defendant denies each and every  
20 allegation contained in said paragraph.

21                                   **CLASS ACTION ALLEGATIONS**

22          45.     Answering paragraph 45 of Plaintiff's complaint, Defendant denies each and every  
23 allegation contained in said paragraph.

24          46.     Answering paragraph 46 of Plaintiff's complaint, Defendant denies each and every  
25 allegation contained in said paragraph.

26          47.     Answering paragraph 47 of Plaintiff's complaint, Defendant denies each and every  
27 allegation contained in said paragraph.

28          48.     Answering paragraph 48 of Plaintiff's complaint, Defendant denies each and every

1 allegation contained in said paragraph.

2 49. Answering paragraph 49 of Plaintiff's complaint, Defendant denies each and every  
3 allegation contained in said paragraph.

4 50. Answering paragraph 50 of Plaintiff's complaint, Defendant denies each and every  
5 allegation contained in said paragraph.

6 51. Answering paragraph 51 of Plaintiff's complaint, Defendant denies each and every  
7 allegation contained in said paragraph.

8 **FIRST CAUSE OF ACTION**

9 52. Answering paragraph 52 of Plaintiff's complaint, Defendant incorporates all preceding  
10 paragraphs as though fully set forth herein.

11 53. Answering paragraph 53 of Plaintiff's complaint, Defendant is without sufficient  
12 knowledge or information to form a belief as to the truth of all the allegations contained in said paragraph,  
13 and on that basis denies each and every allegation contained therein.

14 54. Answering paragraph 54 of Plaintiff's complaint, Defendant is without sufficient  
15 knowledge or information to form a belief as to the truth of all the allegations contained in said paragraph,  
16 and on that basis denies each and every allegation contained therein.

17 55. Answering paragraph 55 of Plaintiff's complaint, Defendant is without sufficient  
18 knowledge or information to form a belief as to the truth of all the allegations contained in said paragraph,  
19 and on that basis denies each and every allegation contained therein.

20 56. Answering paragraph 56 of Plaintiff's complaint, Defendant denies each and every  
21 allegation contained in said paragraph.

22 57. Answering paragraph 57 of Plaintiff's complaint, Defendant denies each and every  
23 allegation contained in said paragraph.

24 58. Answering paragraph 58 of Plaintiff's complaint, Defendant denies each and every  
25 allegation contained in said paragraph.

26 59. Answering paragraph 59 of Plaintiff's complaint, Defendant denies each and every  
27 allegation contained in said paragraph.

28 60. Answering paragraph 60 of Plaintiff's complaint, Defendant denies each and every



1 allegation contained in said paragraph.

2 61. Answering paragraph 61 of Plaintiff's complaint, Defendant denies each and every  
3 allegation contained in said paragraph.

4 62. Answering paragraph 62 of Plaintiff's complaint, Defendant denies each and every  
5 allegation contained in said paragraph.

6 63. Answering paragraph 63 of Plaintiff's complaint, Defendant denies each and every  
7 allegation contained in said paragraph.

8 64. Answering paragraph 64 of Plaintiff's complaint, Defendant denies each and every  
9 allegation contained in said paragraph.

10 65. Answering paragraph 65 of Plaintiff's complaint, Defendant denies each and every  
11 allegation contained in said paragraph.

12 66. Answering paragraph 66 of Plaintiff's complaint, Defendant denies each and every  
13 allegation contained in said paragraph.

14 67. Answering paragraph 67 of Plaintiff's complaint, Defendant is without sufficient  
15 knowledge or information to form a belief as to the truth of all the allegations contained in said paragraph,  
16 and on that basis denies each and every allegation contained therein.

17 68. Answering paragraph 68 of Plaintiff's complaint, Defendant denies each and every  
18 allegation contained in said paragraph.

19 69. Answering paragraph 69 of Plaintiff's complaint, Defendant is without sufficient  
20 knowledge or information to form a belief as to the truth of all the allegations contained in said paragraph,  
21 and on that basis denies each and every allegation contained therein.

22 70. Answering paragraph 70 of Plaintiff's complaint, Defendant denies each and every  
23 allegation contained in said paragraph.

24 71. Answering paragraph 71 of Plaintiff's complaint, Defendant denies each and every  
25 allegation contained in said paragraph.

26 72. Answering paragraph 72 of Plaintiff's complaint, Defendant denies each and every  
27 allegation contained in said paragraph.

28 73. Answering paragraph 73 of Plaintiff's complaint, Defendant denies each and every

1 allegation contained in said paragraph.

2 74. Answering paragraph 74 of Plaintiff's complaint, Defendant denies each and every  
3 allegation contained in said paragraph.

4 75. Answering paragraph 75 of Plaintiff's complaint, Defendant denies each and every  
5 allegation contained in said paragraph.

6 76. Answering paragraph 76 of Plaintiff's complaint, Defendant denies each and every  
7 allegation contained in said paragraph.

8 77. Answering paragraph 77 of Plaintiff's complaint, Defendant denies each and every  
9 allegation contained in said paragraph.

10 78. Answering paragraph 78 of Plaintiff's complaint, Defendant denies each and every  
11 allegation contained in said paragraph.

12 79. Answering paragraph 79 of Plaintiff's complaint, Defendant denies each and every  
13 allegation contained in said paragraph.

14 80. Answering paragraph 80 of Plaintiff's complaint, Defendant denies each and every  
15 allegation contained in said paragraph.

16 81. Answering paragraph 81 of Plaintiff's complaint, Defendant denies each and every  
17 allegation contained in said paragraph.

18 82. Answering paragraph 82 of Plaintiff's complaint, Defendant denies each and every  
19 allegation contained in said paragraph.

20 83. Answering paragraph 83 of Plaintiff's complaint, Defendant denies each and every  
21 allegation contained in said paragraph.

22 84. Answering paragraph 84 of Plaintiff's complaint, Defendant is without sufficient  
23 knowledge or information to form a belief as to the truth of all the allegations contained in said paragraph,  
24 and on that basis denies each and every allegation contained therein.

25 85. Answering paragraph 85 of Plaintiff's complaint, Defendant denies each and every  
26 allegation contained in said paragraph.

27 86. Answering paragraph 86 of Plaintiff's complaint, Defendant denies each and every  
28 allegation contained in said paragraph.



1           87.     Answering paragraph 87 of Plaintiff's complaint, Defendant denies each and every  
2 allegation contained in said paragraph.

3           88.     Answering paragraph 88 of Plaintiff's complaint, Defendant denies each and every  
4 allegation contained in said paragraph.

5                               **SECOND CAUSE OF ACTION**

6           89.     Answering paragraph 89 of Plaintiff's complaint, Defendant incorporates all preceding  
7 paragraphs as though fully set forth herein.

8           90.     Answering paragraph 90 of Plaintiff's complaint, Defendant denies each and every  
9 allegation contained in said paragraph.

10          91.     Answering paragraph 91 of Plaintiff's complaint, Defendant denies each and every  
11 allegation contained in said paragraph.

12          92.     Answering paragraph 92 of Plaintiff's complaint, Defendant denies each and every  
13 allegation contained in said paragraph.

14          93.     Answering paragraph 93 of Plaintiff's complaint, Defendant denies each and every  
15 allegation contained in said paragraph.

16          94.     Answering paragraph 94 of Plaintiff's complaint, Defendant denies each and every  
17 allegation contained in said paragraph.

18          95.     Answering paragraph 95 of Plaintiff's complaint, Defendant denies each and every  
19 allegation contained in said paragraph.

20          96.     Answering paragraph 96 of Plaintiff's complaint, Defendant denies each and every  
21 allegation contained in said paragraph.

22          97.     Answering paragraph 97 of Plaintiff's complaint, Defendant denies each and every  
23 allegation contained in said paragraph.

24          98.     Answering paragraph 98 of Plaintiff's complaint, Defendant denies each and every  
25 allegation contained in said paragraph.

26          99.     Answering paragraph 99 of Plaintiff's complaint, Defendant denies each and every  
27 allegation contained in said paragraph.

28

100. Answering paragraph 100 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

### **THIRD CAUSE OF ACTION**

101. Answering paragraph 101 of Plaintiff's complaint, Defendant incorporates all preceding paragraphs as though fully set forth herein.

102. Answering paragraph 102 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

103. Answering paragraph 103 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

104. Answering paragraph 104 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

105. Answering paragraph 105 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

106. Answering paragraph 106 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

107. Answering paragraph 107 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

108. Answering paragraph 108 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

109. Answering paragraph 109 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

110. Answering paragraph 110 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

111. Answering paragraph 111 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

112. Answering paragraph 112 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

1 113. Answering paragraph 113 of Plaintiff's complaint, Defendant denies each and every  
2 allegation contained in said paragraph.

3 114. Answering paragraph 114 of Plaintiff's complaint, Defendant denies each and every  
4 allegation contained in said paragraph.

5 115. Answering paragraph 115 of Plaintiff's complaint, Defendant denies each and every  
6 allegation contained in said paragraph.

7 116. Answering paragraph 116 of Plaintiff's complaint, Defendant denies each and every  
8 allegation contained in said paragraph.

9 117. Answering paragraph 117 of Plaintiff's complaint, Defendant denies each and every  
10 allegation contained in said paragraph.

11 118. Answering paragraph 118 of Plaintiff's complaint, Defendant denies each and every  
12 allegation contained in said paragraph.

13 119. Answering paragraph 119 of Plaintiff's complaint, Defendant denies each and every  
14 allegation contained in said paragraph.

15 120. Answering paragraph 120 of Plaintiff's complaint, Defendant denies each and every  
16 allegation contained in said paragraph.

17 121. Answering paragraph 121 of Plaintiff's complaint, Defendant denies each and every  
18 allegation contained in said paragraph.

19 122. Answering paragraph 122 of Plaintiff's complaint, Defendant denies each and every  
20 allegation contained in said paragraph.

21 **FOURTH CAUSE OF ACTION**

22 123. Answering paragraph 123 of Plaintiff's complaint, Defendant incorporates all preceding  
23 paragraphs as though fully set forth herein.

24 124. Answering paragraph 124 of Plaintiff's complaint, Defendant denies each and every  
25 allegation contained in said paragraph.

26 125. Answering paragraph 125 of Plaintiff's complaint, Defendant denies each and every  
27 allegation contained in said paragraph.  
28

126. Answering paragraph 126 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

127. Answering paragraph 127 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

128. Answering paragraph 128 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

129. Answering paragraph 129 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

130. Answering paragraph 130 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

131. Answering paragraph 131 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

132. Answering paragraph 132 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

133. Answering paragraph 133 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

134. Answering paragraph 134 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

### **FIFTH CAUSE OF ACTION**

135. Answering paragraph 135 of Plaintiff's complaint, Defendant incorporates all preceding paragraphs as though fully set forth herein.

136. Answering paragraph 136 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

137. Answering paragraph 137 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

138. Answering paragraph 138 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

139. Answering paragraph 139 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

140. Answering paragraph 140 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

141. Answering paragraph 141 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

142. Answering paragraph 142 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

143. Answering paragraph 143 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

144. Answering paragraph 144 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

145. Answering paragraph 145 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

146. Answering paragraph 146 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

147. Answering paragraph 147 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

148. Answering paragraph 148 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

149. Answering paragraph 149 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

150. Answering paragraph 150 of Plaintiff's complaint, Defendant denies each and every allegation contained in said paragraph.

## SIXTH CAUSE OF ACTION

151. Answering paragraph 151 of Plaintiff's complaint, Defendant incorporates all preceding paragraphs as though fully set forth herein.

1           152. Answering paragraph 152 of Plaintiff's complaint, Defendant denies each and every  
2 allegation contained in said paragraph.

3           153. Answering paragraph 153 of Plaintiff's complaint, Defendant denies each and every  
4 allegation contained in said paragraph.

5           154. Answering paragraph 154 of Plaintiff's complaint, Defendant denies each and every  
6 allegation contained in said paragraph.

7           155. Answering paragraph 155 of Plaintiff's complaint, Defendant denies each and every  
8 allegation contained in said paragraph.

9           156. Answering paragraph 156 of Plaintiff's complaint, Defendant denies each and every  
10 allegation contained in said paragraph.

11           157. Answering paragraph 157 of Plaintiff's complaint, Defendant denies each and every  
12 allegation contained in said paragraph.

13           158. Answering paragraph 158 of Plaintiff's complaint, Defendant denies each and every  
14 allegation contained in said paragraph.

15           159. Answering paragraph 159 of Plaintiff's complaint, Defendant denies each and every  
16 allegation contained in said paragraph.

17           160. Answering paragraph 160 of Plaintiff's complaint, Defendant denies each and every  
18 allegation contained in said paragraph.

19           161. Answering paragraph 161 of Plaintiff's complaint, Defendant denies each and every  
20 allegation contained in said paragraph.

21           162. Answering paragraph 162 of Plaintiff's complaint, Defendant denies each and every  
22 allegation contained in said paragraph.

23           163. Answering paragraph 163 of Plaintiff's complaint, Defendant denies each and every  
24 allegation contained in said paragraph.

25           164. Answering paragraph 164 of Plaintiff's complaint, Defendant denies each and every  
26 allegation contained in said paragraph.

27           165. Answering paragraph 165 of Plaintiff's complaint, Defendant denies each and every  
28 allegation contained in said paragraph.



1 166. Answering paragraph 166 of Plaintiff's complaint, Defendant denies each and every  
2 allegation contained in said paragraph.

3 167. Answering paragraph 167 of Plaintiff's complaint, Defendant denies each and every  
4 allegation contained in said paragraph.

5 168. Answering paragraph 168 of Plaintiff's complaint, Defendant denies each and every  
6 allegation contained in said paragraph.

7 169. Answering paragraph 169 of Plaintiff's complaint, Defendant denies each and every  
8 allegation contained in said paragraph.

9 **PRAYER FOR RELIEF**

10 **(By Plaintiff)**

11 Defendant denies each and every claim for relief asserted in Plaintiff's prayer for relief.

12 **II.**

13 **AFFIRMATIVE DEFENSES**

14 *AS AND FOR A **FIRST**, SEPARATE AND AFFIRMATIVE*  
15 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
16 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

17  
18 170. By reason of Plaintiff's actions, representations, conduct, acts, and/or omissions to act,  
19 Plaintiff has waived each and every alleged claim against Defendant as set forth in the complaint. Plaintiff  
20 has engaged in conduct and activities sufficient to constitute a waiver of any purported rights or  
21 entitlements as set forth in the complaint.

22 *AS AND FOR A **SECOND**, SEPARATE AND AFFIRMATIVE*  
23 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
24 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

25 171. That as against this answering Defendant, Plaintiff's action as a whole, and each cause of  
26 action individually, is barred by the applicable statutes of limitations under California law and/or Federal  
27 law including, but not limited to, 15 U.S.C.A. sec. 1640, et seq., as well as other statute and Federal statutes  
28 of limitations.

1                    *AS AND FOR A **THIRD**, SEPARATE AND AFFIRMATIVE*  
2                    *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
3                    *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

4                    172. Plaintiff has failed to exercise reasonable care and diligence to avoid loss and to minimize  
5 damages and, therefore, Plaintiff may not recover for losses, which could have been prevented by reasonable  
6 efforts on its own part, or by actions that might reasonably have been taken. Therefore, Plaintiff's recovery, if  
7 any, should be reduced by the failure of the Plaintiff to mitigate its damages.

8                    *AS AND FOR A **FOURTH**, SEPARATE AND AFFIRMATIVE*  
9                    *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
10                    *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

11                    173. By virtue of Plaintiff's unlawful, immoral, careless, negligent and other wrongful conduct,  
12 Plaintiff should be barred from recovering against this answering Defendant by the equitable doctrine of  
13 unclean hands.

14                    *AS AND FOR A **FIFTH**, SEPARATE AND AFFIRMATIVE*  
15                    *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
16                    *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

17                    174. By virtue of Plaintiff's employee's/representative's and/or agent's unlawful, immoral, careless,  
18 negligent and other wrongful conduct, Plaintiff should be barred from recovering against this answering  
19 Defendant by the equitable doctrine of unclean hands.

20                    *AS AND FOR A **SIXTH**, SEPARATE AND AFFIRMATIVE*  
21                    *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
22                    *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

23                    175. No relief may be obtained under the complaint by reason of Plaintiff's failure to do equity  
24 in the matters alleged in the complaint.

25                    *AS AND FOR A **SEVENTH**, SEPARATE AND AFFIRMATIVE*  
26                    *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
27                    *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

28                    176. Plaintiff's complaint is barred and Plaintiff is prevented from recovering damages or other  
relief by reason of Plaintiff's lack of standing to assert the claims in Plaintiff's complaint.

1 *AS AND FOR A **EIGHTH**, SEPARATE AND AFFIRMATIVE*  
2 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
3 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

4 177. Plaintiff's complaint is barred and Plaintiff is prevented from recovering damages or other  
5 relief by reason of Plaintiff's lack of capacity to maintain an action or proceeding in the United States  
6 District Court, Southern District of California, and/or any legal forum.

7 *AS AND FOR A **NINTH**, SEPARATE AND AFFIRMATIVE*  
8 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
9 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

10 178. That the remedies sought by Plaintiff are excessive and duplicative and therefore  
11 unconstitutional.

12 *AS AND FOR A **TENTH**, SEPARATE AND AFFIRMATIVE*  
13 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
14 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

15 179. Plaintiff is estopped to assert any claim or other right against Defendant by reason of Plaintiff's  
16 own actions, representations, conduct, and/or omissions to act, and upon which Defendant relied to its  
17 prejudice and detriment.

18 *AS AND FOR A **ELEVENTH**, SEPARATE AND AFFIRMATIVE*  
19 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
20 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

21 180. Plaintiff has unjustifiably and inexcusably and unreasonably delayed in the commencement of  
22 this action to the prejudice of Defendant. Therefore, Plaintiff's complaint is barred by the equitable doctrine  
23 of laches.

24 *AS AND FOR A **TWELFTH**, SEPARATE AND AFFIRMATIVE*  
25 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
26 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

27 181. Defendant has appropriately, completely, and fully performed, discharged or been excused  
28 from any and all obligations and legal duties, if any, arising out of the matters alleged in Plaintiff's  
complaint and, therefore, Plaintiff is barred from recovery thereon.

1  
2 *AS AND FOR A **THIRTEENTH**, SEPARATE AND AFFIRMATIVE*  
3 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
4 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

5 182. Plaintiff has been damaged, if at all, in whole or in part, by virtue of its own acts and  
6 omissions and, to that extent, the damage alleged, if any must be diminished in whole or in part according to  
7 proof thereof at the time of trial under.

8 *AS AND FOR A **FOURTEENTH**, SEPARATE AND AFFIRMATIVE*  
9 *DEFENSE, AND AS A COUNTERCLAIM, THIS ANSWERING DEFENDANT IS INFORMED*  
10 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

11 183. Defendant alleges that Plaintiff's alleged damages are barred, or any recovery should be  
12 reduced, by any and all lawful set offs available to Defendant.

13 *AS AND FOR A **FIFTEENTH**, SEPARATE AND AFFIRMATIVE*  
14 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
15 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

16 184. Plaintiff's complaint is barred and Plaintiff is prevented from recovering damages or other  
17 relief in that this Court lacks jurisdiction to consider the claims in Plaintiff's complaint.

18 *AS AND FOR A **SIXTEENTH**, SEPARATE AND AFFIRMATIVE*  
19 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
20 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

21 185. That Plaintiff's action is barred for lack of sufficient writing subscribed by the party to be  
22 charged which includes, without limitation, a violation of the provisions of California Civil Code § 1624  
23 and/or any similar or equivalent Federal or state statute of frauds.

24 *AS AND FOR A **SEVENTEENTH**, SEPARATE AND AFFIRMATIVE*  
25 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
26 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

27 186. Plaintiff's complaint is barred and Plaintiff is prevented from recovering damages or other  
28 relief by virtue of its fraud and misrepresentation and/or the fraud and misrepresentation of Plaintiff's  
employees, representatives and/or agents.

1  
2 *AS AND FOR A **EIGHTEENTH**, SEPARATE AND AFFIRMATIVE*  
3 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
4 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

5 187. Plaintiff's complaint is barred and Plaintiff is prevented from recovering damages or other  
6 relief by virtue of its breaches of the covenant of good faith and fair dealing owed to Defendant.

7 *AS AND FOR A **NINETEENTH**, SEPARATE AND AFFIRMATIVE*  
8 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
9 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

10 188. Plaintiff's complaint fails to state facts sufficient to constitute a cause of action against  
11 Defendant.

12 *AS AND FOR A **TWENTIETH**, SEPARATE AND AFFIRMATIVE*  
13 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
14 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

15 189. Plaintiff, by its conduct, has acquiesced and consented to the alleged conduct of Defendant,  
16 and is, therefore, barred from maintaining this action.

17 *AS AND FOR A **TWENTY-FIRST**, SEPARATE AND AFFIRMATIVE*  
18 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
19 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

20 190. The alleged conduct of Defendant with regard to the matters alleged in the Complaint was  
21 justified, and by reason of the foregoing, Plaintiff is barred from any recovery against Defendant herein.

22 *AS AND FOR A **TWENTY-SECOND**, SEPARATE AND AFFIRMATIVE*  
23 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
24 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

25 191. That at all times and places set forth in the Complaint, Plaintiff failed to exercise ordinary  
26 care on its own behalf, which negligence and carelessness was a substantial factor of some portion, up to  
27 and including the whole thereof, of the injuries and damages complained of in this action. Plaintiff's  
28 recovery, therefore, against this answering Defendant should be barred or reduced according to principles  
of comparative negligence.



1 *AS AND FOR A **TWENTY-THIRD**, SEPARATE AND AFFIRMATIVE*  
 2 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
 3 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

4 192. That this answering Defendant denies any wrongdoing, negligence, carelessness, fault  
 5 or liability on his part. However, should it be determined that this answering Defendant is liable, then  
 6 this answering Defendant further alleges that Plaintiff also contributed to its own alleged injuries,  
 7 losses and damages, and by virtue thereof, this answering Defendant asks that any judgment entered  
 8 against it be proportionately reduced to the extent that Plaintiff's negligence legally contributed to the  
 9 happening of the subject incident and to any injuries, losses or damages sustained by Plaintiff, if any  
 10 there were. That to assess any greater percentage of fault and damages against these answering  
 11 Defendants in excess of their percentage of fault would be denial of equal protection and due process,  
 12 which are guaranteed by the constitutions of the State of California and the United States, respectively.

13 *AS AND FOR A **TWENTY-FOURTH**, SEPARATE AND AFFIRMATIVE*  
 14 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
 15 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

16 193. This answering defendant is not legally responsible for the acts and/or omissions of  
 17 those defendants named herein as DOES 1 through 10.

18 *AS AND FOR A **TWENTY-FIFTH**, SEPARATE AND AFFIRMATIVE*  
 19 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
 20 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

21 194. That at no time or place set forth in the Complaint did this answering Defendant operate as  
 22 the agent, servant, employee, assignee, joint venturer, partner, division, owner, subsidiary, alias, alter-ego or  
 23 co-conspirator of any other Defendant.

24 *AS AND FOR A **TWENTY-SIXTH**, SEPARATE AND AFFIRMATIVE*  
 25 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
 26 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

27 195. That at no time or place set forth in the Complaint did any other Defendant operate as the  
 28 agent, servant, employee, assignee, joint venturer, partner, division, owner, subsidiary, alias, alter-ego or co-  
 conspirator of this answering Defendant.



1  
2 *AS AND FOR A **TWENTY-SEVENTH**, SEPARATE AND AFFIRMATIVE*  
3 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
4 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

5 196. That Plaintiff's claims based in part or in whole on California Business and Professions  
6 Code section 17200, *et seq.* are vague, uncertain and lack specificity and are therefore unconstitutional  
7 and in violation of Defendants' due process rights.

8 *AS AND FOR A **TWENTY-EIGHTH**, SEPARATE AND AFFIRMATIVE*  
9 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
10 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

11 197. This answering Defendant's conduct was neither unfair nor unlawful nor fraudulent under  
12 Business and Professions Code section 17200, *et seq.*, or any other statute, law, regulation or code.

13 *AS AND FOR A **TWENTY-NINTH**, SEPARATE AND AFFIRMATIVE*  
14 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
15 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

16 198. This answering Defendant alleges that the basis and methods by which punitive damages  
17 are imposed pursuant to California Statutory and Common Law are fatally and constitutionally infirm, and  
18 that giving affect to such laws is violative of the First, Fourth, Fifth, Sixth, Eighth and Fourteenth  
19 Amendments and other amendments to the United States Constitution and equivalent provisions of the  
20 California Constitution.

21 *AS AND FOR A **THIRTIETH**, SEPARATE AND AFFIRMATIVE*  
22 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
23 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

24 199. Plaintiff's complaint fails to state facts sufficient to constitute a cause of action against  
25 Defendant in that the "Note and Truth in Lending Disclosure Form" attached to the complaint as  
26 Exhibit 1 and upon which the complaint is based is unexecuted and not a contract between Plaintiff  
27 and Defendant.

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1                   AS AND FOR A **THIRTY-FIRST**, SEPARATE AND AFFIRMATIVE  
2                   DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED  
3                   AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:

4                   200.   The claims alleged in Plaintiff's complaint fail for lack of adequate consideration.

5                   AS AND FOR A **THIRTY-SECOND**, SEPARATE AND AFFIRMATIVE  
6                   DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED  
7                   AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:

8                   201.   Plaintiff is barred from any recovery on its alleged Complaint by virtue of its fraud and  
9                   misrepresentation.

10                  AS AND FOR A **THIRTY-THIRD**, SEPARATE AND AFFIRMATIVE  
11                  DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED  
12                  AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:

13                  202.   Plaintiff is barred from pursuing any remedy against this answering defendant for  
14                  breach of any contract, express or implied, or for any damage which is the subject of the complaint,  
15                  because Plaintiff did not notify this answering defendant within a reasonable time after Plaintiff  
16                  discovered, or reasonably should have discovered the alleged breach.

17                  AS AND FOR A **THIRTY-FOURTH**, SEPARATE AND AFFIRMATIVE  
18                  DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED  
19                  AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:

20                  203.   There has occurred a condition subsequent to the making of the alleged contract between  
21                  the parties, excusing Defendant from any further performance due from this answering Defendant to  
22                  Plaintiff and terminating any obligation by said Defendant to Plaintiff.

23                  AS AND FOR A **THIRTY-FIFTH**, SEPARATE AND AFFIRMATIVE  
24                  DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED  
25                  AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:

26                  204.   There has been nonperformance of a condition precedent to any contractual duty on the  
27                  part of this answering Defendant.

28                  ///

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1 *AS AND FOR A **THIRTY-SIXTH**, SEPARATE AND AFFIRMATIVE*  
2 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
3 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

4 205. This answering defendant's business practice was and is not likely to mislead or deceive  
5 the public.

6 *AS AND FOR A **THIRTY-SEVENTH**, SEPARATE AND AFFIRMATIVE*  
7 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
8 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

9 206. That at no time mentioned herein did Plaintiff, its agents, servants, representatives, or  
10 predecessors in interests, rely on any promises, warranties, express or implied, or representations which  
11 may have been made by this answering Defendant in connection with the activity which it is alleged to  
12 have performed under the terms of the alleged contract.

13 *AS AND FOR A **THIRTY-EIGHTH**, SEPARATE AND AFFIRMATIVE*  
14 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
15 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

16 207. That Plaintiff's class action complaint is void and Plaintiff claims under the Truth and  
17 Lending Act are barred since such claims are inappropriate and void when the remedy of rescission is  
18 sought.

19 *AS AND FOR A **THIRTY-NINTH**, SEPARATE AND AFFIRMATIVE*  
20 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
21 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

22 208. That Plaintiff's claims as alleged in the complaint are not appropriate for and cannot be  
23 certified as class action claims.

24 *AS AND FOR A **FORTIETH**, SEPARATE AND AFFIRMATIVE*  
25 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
26 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

27 209. That the alleged class of plaintiffs is not so numerous that joinder of all alleged  
28 plaintiffs in the action is impracticable.

*AS AND FOR A **FORTY-FIRST**, SEPARATE AND AFFIRMATIVE*  
*DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
*AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

210. There is no typicality and there are uncommon questions of law and fact among the  
claims of the alleged class members.

1                    *AS AND FOR A **FORTY-SECOND**, SEPARATE AND AFFIRMATIVE*  
2                    *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
3                    *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

4            211.    The claims of the representative Plaintiff are not representative of the claims of the  
5            alleged class members.

6                    *AS AND FOR A **FORTY-THIRD**, SEPARATE AND AFFIRMATIVE*  
7                    *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
8                    *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

9            212.    The representative Plaintiff cannot fairly and adequately protect the interests of the  
10           alleged class members.

11                   *AS AND FOR A **FORTY-FOURTH**, SEPARATE AND AFFIRMATIVE*  
12                   *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
13                   *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

14           213.    The alleged damages available to each individual class member are not nominal and  
15           vary greatly making it inappropriate for certification.

16                   *AS AND FOR A **FORTY-FIFTH**, SEPARATE AND AFFIRMATIVE*  
17                   *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
18                   *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

19           214.    That all terms, descriptions, disclosures, communications associated with the alleged  
20           transaction between Plaintiff and Defendant were in compliance with Truth In Lending Laws and that  
21           Defendant properly, accurately, clearly and conspicuously made all necessary legal disclosures to  
22           Plaintiff regarding the alleged transaction between Plaintiff and Defendant.

23                   *AS AND FOR A **FORTY-SIXTH**, SEPARATE AND AFFIRMATIVE*  
24                   *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
25                   *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

26           215.    That Plaintiff's claims based in part or in whole on California Business and Professions  
27           Code section 17200, *et seq.* are not proper representative actions.

28                   *AS AND FOR A **FORTY-SEVENTH**, SEPARATE AND AFFIRMATIVE*  
                 *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
                 *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

         216.    That the alleged actions of Defendant were not unfair, fraudulent or unlawful in that  
         Plaintiff was offered reasonable alternatives and meaningful choices at all times during the alleged  
         transaction between Plaintiff and Defendant.

1                   *AS AND FOR A **FORTY-EIGHTH**, SEPARATE AND AFFIRMATIVE*  
2                   *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
3                   *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

4           217.   That the alleged actions of Defendant lacked deception, were not calculated to or likely  
5 to mislead, and did not mislead Plaintiff.

6                   *AS AND FOR A **FORTY-NINTH**, SEPARATE AND AFFIRMATIVE*  
7                   *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
8                   *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

9           218.   Plaintiff's claim is barred as to the extent there were any alleged errors, all of which are  
10 denied herein, they were bona fide errors, without intent and despite the maintenance of procedures to  
11 ensure compliance.

12                   *AS AND FOR A **FIFTIETH**, SEPARATE AND AFFIRMATIVE*  
13                   *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
14                   *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

15           219.   Plaintiff's claim is barred as they failed to join indispensable parties.

16                   *AS AND FOR A **FIFTY-FIRST**, SEPARATE AND AFFIRMATIVE*  
17                   *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
18                   *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

19           220.   Plaintiff's claim is barred as Plaintiff failed to perform their obligations and/or to the  
20 extent there was an alleged breach, which allegation is denied herein, Plaintiff's breach preceded such  
21 act or omission by Defendant relieving Defendant of all obligations.

22                   *AS AND FOR A **FIFTY-SECOND**, SEPARATE AND AFFIRMATIVE*  
23                   *DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED*  
24                   *AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:*

25           221.   This answering Defendant is entitled to the benefit of all defenses and presumptions  
26 contained in, or arising from, any rule of law or statute of the state of California and or Federal law.  
27 This answering Defendant hereby gives notice that it intends to rely upon such other affirmative  
28 defenses as may become available or apparent during the course of discovery and thus reserves the  
right to amend this list to assert such defenses. This answering Defendant currently lacks sufficient  
information with which to assert additional affirmative defenses. This answering Defendant reserves the  
right to amend this answer in the event that additional investigation and/or discovery lead to disclosure of  
additional affirmative defenses.



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III.

**JURY DEMAND**

Defendant demands trial by jury as to all issues so triable.

IV.

**PRAYER**

WHEREFORE, this answering Defendant prays that Plaintiff take nothing by way of its complaint on file herein, that judgment be entered in the within action in favor of the answering Defendant and against the Plaintiff upon the issues of the complaint and counter by this answer, together with an award to Defendant of attorneys' fees and costs of suit herein incurred, and such other and further relief as the Court deems just.

Date: December 15, 2007

THOMPSON & ALESSIO, LLP

By: 

Kris P. Thompson, Esq.  
John D. Alessio, Esq.  
Mark E. Bale, Esq.  
Attorneys for Defendant,  
PLAZA HOME MORTGAGE, INC.